



Appeal Decision

Site visit made on 12 February 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/V3120/W/24/3353975

132 Cumnor Road, Boars Hill, Oxford, OX1 5JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Gavin Lovatt against the decision of the Vale of White Horse District Council.
 - The application Ref is P24/V1604/HH.
 - The development proposed is demolition of 3no. existing single storey extensions, raising of the roof ridge to create first floor accommodation with dormers in south elevation and the construction of a one-and-a-half storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of 3no. existing single storey extensions, raising of the roof ridge to create first floor accommodation with dormers in south elevation and the construction of a one-and-a-half storey rear extension at 132 Cumnor Road, Boars Hill, Oxford, OX1 5JR in accordance with the terms of the application, Ref P24/V1604/HH, subject to the conditions set out in the accompanying Schedule.

Preliminary matters

2. On 2 April 2024 planning permission was granted¹ for a broadly similar proposal, although there are material differences between that approved and the appeal scheme. The appellant, in effect, seeks a variation to the previously approved plans. I saw that works had commenced and that the shell of the ground floor of the proposed development was in place. Some structures which had previously occupied the site had been cleared. The appellant seeks permission for the works already carried out and their completion in accordance with the submitted plans. I shall proceed on this basis.
3. The site lies within the Green Belt (GB). Having regard to the extant buildings occupying the site and taking account of the planning history the Council does not consider the proposal to be inappropriate development in the GB. I have no reason to disagree with its assessment in this regard.

Main Issue.

4. This is the effect of the proposal on the character and appearance of the surroundings area.

¹ Ref P23/V1933/HH

Reasons

5. The appeal site lies at the edge of the settlement at the end of a row of dwellings occupying the eastern frontage of the highway (B4107). To the north lie three modest detached bungalows and beyond them three pairs of two-storey semi-detached dwellings with side dormers. Bungalows, some displaying dormer windows, resume beyond the semi-detached dwellings.
6. The land to the south of the site on the same side of the road is open, so that the site is prominent when approached from the south by car, cycle or by pedestrians using the footway alongside the road. Some sporadic planting has taken place along the open land's frontage so that limited screening would be afforded to the appeal site in summer. In winter, however, because of defoliation, the site is open to general view.
7. When viewed from the south and from the front, the proposed changes in design from that approved are material. The southern elevation would appear bulkier than both the original bungalow and the approved scheme in the light of a combination of its increased length, the roof's increased overall height, the introduction of dormers rather than rooflights and the truncated hips front and rear. A grander, more pronounced entrance feature would be introduced in the south facing elevation in substitution for that approved.
8. The proposed west elevation facing the road would also be significantly modified. Viewed immediately from in front, the dwelling would assume the appearance of a two-storey dwelling rather than that of the bungaloid form granted permission in 2024. The modified, pitched roof would display a flat top rather than a ridge.
9. The Council say that in granting permission in 2024 they went to some lengths to negotiate a development acceptable to them, and this involved the submission of an amended scheme. Judging from the officer report, the main objection raised now appears to relate to the roof design, particularly the use of semi hips and a flat roof in lieu of a ridge, which are uncommon features in the local vernacular. Additionally, not only would the proposed flat roof be peculiar to the area, but it would also make the dwelling appear squat.
10. That the appearance of a development differs from others around it does not automatically render it unacceptable in design terms. In this respect the three bungalows to the north of the appeal site are different in design and scale to the semi-detached dwellings immediately to the north of them, yet all the dwellings appear to gel acceptably together in visual terms and have become an established part of the local scene.
11. I view the larger scale of the proposed development in similar terms. It would differ from the adjacent bungalows in terms of its appearance, but to my mind would sit acceptably in its visual context. In this regard, I consider the impact of the flat roof to have been exaggerated since it would not be perceived as such in long to medium range views when approaching from north or south. I regard the design of the most prominent elevation, that facing south, to be an improvement on that previously approved since it is more cohesive and better balanced. It is true that the small section of flat roof as opposed to the ridge would become more apparent when close to the site, but this is insufficient reason to reject what I otherwise consider to be an entirely acceptable design.

12. The original scene is also material to my consideration. This was an extended, elongated bungalow, with several straggling outbuildings with extensive areas of flat roofs disfiguring the main view of the site from the south. All matters considered, I find the revised scheme to be a marked improvement on that to be replaced.
13. I therefore conclude that the proposed development would not harm the character and appearance of its surroundings. Accordingly, no material conflict would arise with those provisions of policy CP37 of the Council's Local Plan (LP) - Part 1 or policy DG1 of the Wootton and St Helen Without Neighbourhood Plan in that the development's design responds positively to the site and its surroundings; responds innovatively to its context; integrates visually to its surroundings; respects local character; is built to last and is flexible to the changing requirements of its occupants.

Conditions

14. The Council has suggested the imposition of conditions in the event of planning permission being granted. It is necessary that the development is carried out in accordance with the approved plans, and a condition to this effect is imposed in the interests of certainty.
15. Since it is essential to the site's visual improvement the condition suggested by the Council in respect of buildings to be demolished is imposed. Information on the materials to be used is annotated on the approved drawings, and the Council's suggested condition on materials is therefore considered unnecessary.
16. In the interests of protecting the openness of the GB, the removal of permitted development rights is warranted and necessary, and a condition in this regard is therefore imposed.
17. The northern facing rooflights are intended serve a staircase and bathrooms respectively. In order to prevent overlooking and loss of privacy to the residents of the dwellings to the north, a condition shall be imposed, albeit differing from that suggested by the Council.

Other matters

18. All other matters raised have been considered and taken into account, and I note that the Parish Council had no objection to the proposal and that no local resident objected.
19. I have also taken into account the references to the *National Planning Policy Framework* and the Council's references to the Joint Design Guide. Reference has been made to other LP policies, but I consider those to which I have referred to be the most relevant having regard to the facts of the case.
20. No other matter is of such strength or significance as to outweigh those considerations that led to my conclusions.
21. Accordingly, the appeal is allowed, subject to conditions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2302 p105; 2302 p102A; 2302 p104K; 2302 p101K; 2302 p103K and 2302 p100C,
- 3) The buildings shown to be demolished on plan references 2302 p101K, 2302 p102A and 2302 p104K shall be demolished and any demolished material which has not been utilised in the new development shall be removed from the land prior to the first occupation of the development hereby permitted,
- 4) Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), there shall be no further extension to the dwelling, and no buildings or structures shall be erected within the curtilage of the dwelling.
- 5) The rooflights serving the bathrooms on the northern elevation of the new extension shall be installed with a sill height of not less than 1.7 metres above the finished floor level of the rooms in which they are fitted and shall be retained as such. The rooflights serving the staircase shall be fitted with stained or obscure glazing and shall be non-openable.